

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 28 OF 2005

Krantikari
Saghathana

Suraksha

.. Petitioner

Rakshak

Vs.

Bharat Sanchar Nigam Ltd. and ors. .. Respondents

Ms. Jane Cox for the Petitioner.

Mr. V.S. Masurkar for Respondent No.1.

Ms. Lata Desai for Board.

CORAM: B.H. MARLAPALLE, J.

Date : October 05, 2005.

P.C.:

1. Further to the order dated 21/9/2005 Ms. Cox,

the learned counsel for the petitioner-Union states that the security guards whose names have been mentioned in Exh."D" have been re-employed by the respondent no.1 establishment from 26/9/2005 and they are presently on duty. Thus, the order passed by this court in Writ Petition No.9613 of 2004 has been implemented. On the issue of reduction of the strength of security guards at the establishment of respondent no.1, it has been stated that in consultation with the Board surplus guards have been withdrawn on the basis of "last come first go". The

amounts deposited with the Registry of this court have been disbursed by the Board for payment of wages of these 20 guards for the period from July 2004 to February 2005 and, therefore, this contempt petition has served its purpose.

2. However, the learned counsel for the Board states that in addition to the amount of wages, the Board is entitled to receive levy charges towards the statutory dues and service charges. It is stated that for the first period this amount of levy comes to Rs.2,15,641/- and for the second period it comes to Rs.2,07,535/-. The respondent no.1 is a Corporation of the Central Government and it would not shy away from discharging its responsibility for payment of statutory dues and the Board is a creation of the special Act of the Maharashtra Legislature. Mr. Masurkar, the learned counsel appearing for the respondent no.1 states that the dues of the Board, if any, as per the terms of the contract between the parties, will be cleared as per the normal practice on the claim having been raised by the Board. The learned counsel for the Board states that such claim shall be submitted to the respondent no.1 within a

period of two weeks from today. Undoubtedly, the respondent no.1 will clear the bills on verification as early as possible.

3. The amount of Rs.3,84,000/- remitted with the Registry of this court by the respondents will be withdrawn by the Board as per the earlier order and the said amount shall be disbursed towards the wages of these 20 security guards for the period from March 2005 to August 2005. Undoubtedly, these 20 security guards shall be entitled for their full salary for the month of September, 2005, even though they have reported on 26/9/2005.

4. In the premises this contempt petition stands disposed off. Rule is discharged.

(B.H. Marlapalle,J.)